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SUBJECT Substitute Appeal Brief (09/173,040)

Number of Pages 16

Date 8/9/2006

MESSAGE

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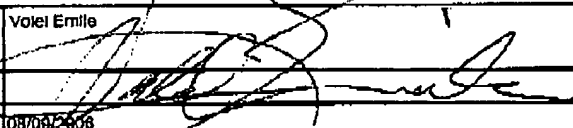
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/173,040
	Filing Date	10/15/1998
	First Named Inventor	John Moddalozzo, Jr.
	Art Unit	2178
	Examiner Name	Cesar B. Paula
Total Number of Pages in This Submission	Attorney Docket Number	AIS-98-132

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Maddalozzo, Jr. et al.	:
	: Before the Examiner:
Serial No: 09/173,040	: Cesar B. Paula
	:
Filed: 10/15/98	: Group Art Unit: 2178
	:
Title: METHOD OF CONTROLLING	: Confirmation No.: 1186
WEB BROWSER DOCUMENT	:
IMAGE DOWNLOADS AND	:
DISPLAYS	:

SUBSTITUTUE APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a substitute Appeal Brief in response to the Notice of Non-Compliant Appeal Brief of July 18, 2006.

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BRIEF FOR APPLICANTS – APPELLANTS

(i)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(ii)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii)

Status of Claims

In the Final Office Action, the Examiner objected to Claims 3, 5, 8, 10, 13, 15, 18, 24 and 27 under 35 USC §112, first and second paragraphs. Claims 1, 3 – 6, 8 – 11 and 13 – 27 were finally rejected. The claims that have been objected to (i.e., Claims 3, 5, 8, 10, 13, 15, 18, 24 and 27) are canceled in the present Brief. Hence this appeal involves Claims 1, 4, 6, 9, 11, 14, 16, 17, 19 – 23, 25 and 26.

(iv)

Status of Amendment

No amendment was filed subsequent to the Final Rejection.

(v)

Summary of Claimed Subject Matter

The claimed invention provides a mechanism to suspend the display of graphic images in a document. In accordance with Claims 1, 4, 6, 9, 11 and 14,

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when a text file containing an embedded image file is to be displayed, the display of the image file may be stopped (while the image file is being displayed) if it is of no interest to the user (see page 5, lines 3 – 6, 18 – 22, page 6, lines 11 – 17, see also item 134 of Figs. 2 – 5, and item 665 of Fig. 6).

As mentioned in the passages cited above, the suspension of the display of the image occurs because the download of the data representing the image is suspended. Accordingly, the claimed invention also provides a mechanism to suspend the download of graphic images in a document. That is, according to Claims 16, 17, 19 – 23, 25 and 26, when a text file containing an embedded image file is to be displayed, the download of the image file (see Claim 16) may be stopped (while the image file is being displayed) if it is of no interest to the user.

In Claims 6 and 9, the "means" limitations of displaying the text file and the image on the display system can be found in Figs. 2, 3, 4 and 5 as item 120 (the Web browser). The "means" limitations of independently halting the display of the image file, while the image file is being displayed, if the image file is not of interest to the user as well as the "means" limitations of halting displaying said image file includes means for stopping downloading data representing said image file to said display system can be found in Figs. 2, 3, 4 and 5 as items 132 and 134.

The means limitations of Claims 22 and 23 of downloading and displaying said document are through browser 140 of Figs. 2, 3, 4 and 5. And the means limitations of independently stopping, while said document is being downloaded, the download of said image file if said image file is not of interest to a user is through items 132 and 134 of browser 120 of Figs. 2, 3, 4 and 5 (see items 140 and 142 in Figs. 3 and 4).

The code means in computer program product Claims 11, 14 and 19 – 21 are the steps in Fig. 6. Specifically, steps 600, 605, 610, 615, 620 and 625.

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Grounds of Rejection to be Reviewed on Appeal

Whether Claims 1, 4, 6, 9, 11, 14, 16, 17, 19 – 23, 25 and 26 were properly rejected under 35 USC 102 (c) as being anticipated by Cragun et al. And, whether Claims 1, 4, 6, 9, 11, 14, 16, 17, 19, 20, 22, 23, 25 and 26 were properly rejected under 35 USC 102 (e) as being anticipated by Nielsen.

(vii)

Arguments

Whether Claims 1, 4, 6, 9, 11, 14, 16, 17, 19 – 23, 25 and 26 were properly rejected under 35 USC 102 (c) as being anticipated by Cragun et al.

Claims 1, 6 and 11

The arguments provided below are for one claim (e.g., Claim 1). However, since Claims 6 and 11) are of the same scope, the arguments equally apply to those claims.

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Cragun et al. teach an apparatus and method for manually and selectively block image displays. According to the teachings of Cragun et al., when a Web page that includes images is displayed, a user may select one or more images that have already been displayed to block from continuing to be displayed.

However, Cragun et al. do not teach, show or suggest *independently halting the display of an image, while the image is being displayed* as claimed.

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The Examiner stated that Cragun et al. teach this step in col. 2, lines 27 – 37 and col. 3, lines 28 – 64. Applicants respectfully disagree.

In col. 2, lines 27 – 37, it is stated that a "user selects an image that the user desires to be blocked." (See col. 3, lines 32 and 33.) This implies that the image that the user selected is already displayed. By contrast, the invention specifically stated "**independently halting the display of an image, while the image is being displayed.**" This implies that image halted has not totally been displayed on the screen. In fact, Claim 4 which includes the limitations of halting displaying said image file includes the step of stopping downloading data representing said image file to said display system, which is dependent on Claim 1, illustrates this point.

The passage in col. 3, lines 28 – 64 generally explains the Internet and how information is presented to a user on a browser. It has nothing to do with the step of **independently halting the display of an image, while the image is being displayed.**

Thus Applicants submit that Claims 1, 6 and 11 should be allowable over Cragun et al.

Claims 4, 9, 14, 16, 17 19 - 23, 25 and 26

Claims 4, 9, 14, 16, 17 19 - 23, 25 and 26 include the limitations of **independently halting the download of an image, while the image is being downloaded.**

As mentioned above, Cragun et al. teach displayed images may be selected to be blocked in order to stop them from continuing to be displayed.

Therefore, Cragun et al. do not teach, show or so much as suggest **independently halting the download of an image, while the image is being downloaded** as claimed since an image that is selected to be blocked from continuing to be displayed has already been downloaded.

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Thus, Claims 4, 9, 14, 16, 17 19 - 23, 25 and 26 should also be allowable over Cragun et al..

Whether Claims 1, 4, 6, 9, 11, 14, 16, 17, 19, 20, 22, 23, 25 and 26 were properly rejected under 35 USC 102 (e) as being anticipated by Nielsen

As noted above, in considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Nielsen purports to teach a method and apparatus for detecting and presenting client side image map attributes including sound attributes using page layout data strings. According to the teachings of Nielsen, an information display system for enhancing human-computer interactions is disclosed. The system includes an image map detection mechanism for detecting an image map associated with an image. The image map detection mechanism has an audio attribute associated with a selectable area of the image. The system also includes a pre-selection condition detection mechanism that is configured to detect a pre-selection condition on the selectable area in the image. Additionally, the system includes a sound presentation mechanism configured to present a sound through a sound production facility upon detection of the pre-selection condition. The sound is associated with the audio attribute of the selectable area.

In providing a background to the disclosure, Nielsen explains that sometimes images cannot be displayed in a browser. When an image cannot be displayed in a browser, an ALT attribute (i.e., text that describes the area in which the image is contained or is to be displayed) is displayed instead of the image. Nielsen further explains that an image may not be displayed, Inter alia,

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because a user has activated the browser's stop download SCA (selectable control area).

But, note that Nielsen does not indicate whether the browser's stop download SCA is activated while the image is being displayed or before the image is displayed. All that is disclosed is that the ALT attribute is displayed instead of the image when the browser's stop download SCA is activated.

In any case, it seems to Applicants that the Examiner is using the phrase (usually by activating the browser's stop download SCA) to indicate that Nielsen teaches the claimed invention. However, Nielsen does not elaborate. The only way, Applicants are aware of, for a user to stop an image download is by invoking the stop download command of the browser.

Applicants submit, therefore, that Nielsen does not teach, show or suggest the step of ***independently halting the display of an image, while the image is being displayed*** as claimed. Nor does Nielsen teach show or suggest the step of ***independently halting the download of an image, while the image is being downloaded*** as claimed

All the pending claims in the Application contain, in one form or another, the above-identified limitations. Applicants, therefore, submit that the pending claims are allowable over the cited references. Thus, reconsideration, allowance and passage to issue are once more respectfully requested.

Thus, Claims 1, 4, 6, 9, 11, 14, 16, 17, 19, 20, 22, 23, 25 and 26 should be allowable over Nielsen.

Respectfully Submitted

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Claims Appendix

1. (Previously presented) A method of controlling web browser document displays, said document being displayed on a display system by a user and having at least a text file and an image file, said method comprising the steps of:

displaying said text file on said display system;

displaying said image file on said display system; and

independently halting the display of said image file, while said image file is being displayed, if said image file is not of interest to the user.

2. Canceled.

3. Canceled.

4. (Previously presented) The method of Claim 1 wherein said step of halting displaying said image file includes the step of stopping downloading data representing said image file to said display system.

5. Canceled.

6. (Previously presented) An apparatus for controlling web browser document displays, said document being displayed on a display system by a user and having at least a text file and an image file, said apparatus comprising:

means for displaying said text file on said display system;

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means for displaying said image file on said display system; and

means for independently halting the display of the image file, while the image file is being displayed, if the image file is not of interest to the user.

7. Canceled.
8. Canceled.
9. (Previously presented) The apparatus of Claim 6 wherein said means for halting displaying said image file includes means for stopping downloading data representing said image file to said display system.
10. Canceled.
11. (Previously presented) A computer program product on a computer readable medium having computer program code means for controlling web browser document displays, said document being displayed on a display system by a user and having at least a text file and an image file, said apparatus comprising:

computer program code means for displaying said text file on said display system;

computer program code means for displaying said image file on said display system; and

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computer program code means for independently halting the display of the image file, while the image file is being displayed, if the image is not of interest to the user.

12. Canceled.

13. Canceled.

14. (Previously presented) The computer program of Claim 11 wherein said computer program code means for halting displaying said image file includes computer program code means for stopping downloading data representing said image file to said display system.

15. Canceled.

16. (Previously presented) A method of downloading a web document, said document containing a text file as well as an image file, said method comprising the steps of:

downloading and displaying said document; and

independently stopping, while said document is being downloaded, the download of said image file if said image file is not of interest to a user.

17. (Previously presented) The method of Claim 16 wherein the stopping step includes the step of halting the display of said image file while said image file is being displayed.

18. Canceled.

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19. (Previously presented) A computer program product on a computer readable medium for downloading a web document, said document containing a text file as well as an image file, said computer program product method comprising:

code means for downloading and displaying said document; and

code means for independently stopping, while said document is being downloaded, the download of said image file if said image file is not of interest to a user.

20. (Previously presented) The computer program product of Claim 19 wherein the stopping code means includes code means for halting the display of said image file while said image file is being displayed.

21. (Previously presented) The computer program product of Claim 20 further including code means for resuming the display of said image file.

22. (Previously presented) An apparatus for downloading a web document, said document containing a text file as well as an image file, said apparatus comprising:

means for downloading and displaying said document; and

means for independently stopping, while said document is being downloaded, the download of said image file if said image file is not of interest to a user.

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23. (Previously presented) The apparatus of Claim 22 wherein the stopping means includes means for halting the display of said image file while said image file is being displayed.

24. Canceled.

25. (Previously presented) A computer system for downloading a web document, said document containing a text file as well as an image file, said computer system comprising:

at least one memory device for storing code data; and

at least one processor for processing said code data to download and display said document, and to independently stop, while said document is being downloaded, the download of said image file if said image file is not of interest to a user.

26. (Previously presented) The computer system of Claim 25 wherein the processor processes said code data to halt the display of said image file while said image file is being displayed.

27. Canceled.

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(lx)

Evidence Appendix

None.

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(x)

Related Proceedings Appendix

None.

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